

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 3:21-CR-42
	)	
KEITH RODNEY MOORE,	)	
	)	
	)	
Defendant	)	

**MOTION FOR AN EXTENSION OF TIME TO FILE SUPPLEMENTAL RESPONSE**

The United States of America, through undersigned counsel, respectfully requests the Court to extend the time for the United States to respond to the defendant's "Supplement to Mr. Moore's Motion to Suppress Evidence and Statements" by seven (7) days, making the government's response due on or before August 13, 2021. In support of this request, the government states as follows:

1. The defendant filed his Motion to Suppress Evidence and Statements (ECF No. 17) on June 21, 2021. In the Motion, the defendant raised Fourth and Fifth Amendment arguments regarding the suppression of, respectively, physical evidence found in his car and incriminating statements made to law enforcement. The government responded in opposition on July 6, 2021 (ECF No. 22), and the defendant filed his reply on July 13, 2021 (ECF No. 27).

2. The Court held a hearing on the defendant's suppression motion on July 26, 2021, during which the government presented evidence and testimony from six witnesses focused on the Fourth and Fifth Amendment issues raised by the motion. The defendant put on one witness and likewise introduced evidence. At the conclusion of the hearing, defendant's counsel sought additional briefing to make additional arguments based on evidence presented at the hearing.

The Court granted that request and ordered the defendant's supplemental brief due Monday, August 2, 2021, with the government's response due four (4) days later, Friday August 6, 2021.

3. The defendant filed his supplemental brief on Tuesday, August 3, 2021.

Although the brief raised additional legal arguments regarding the Fourth and Fifth Amendment issues that had been preserved by the original motion to suppress, the defendant added an entirely new argument not raised in the earlier motion or mentioned at the suppression hearing: the police purportedly violated his Fourteenth Amendment right to equal protection. *See* ECF No. 32 at 9. And although the brief is captioned as a “supplement” to the motion to suppress, at the conclusion of his new Fourteenth Amendment argument, the defendant asks the Court to “dismiss the indictment in this case.” ECF No. 32 at 12.

4. Under these circumstances, the undersigned respectfully requests an extension of seven (7) days to address the defendant's new legal argument in its supplemental response.

5. The undersigned has conferred with counsel for the defendant regarding this request, and counsel has indicated the defendant does not oppose the requested extension.

Respectfully submitted,

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ACTING UNITED STATES ATTORNEY

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